

REMARKS/ARGUMENTS

This case has been reviewed and analyzed in view of the Official Action dated 19 November 2003. Responsive to the rejections made by the Examiner in the Official Action, Claims 1 and 2 have now been amended to more clearly clarify the inventive concept of the Applicant.

The Examiner has objected to the Abstract as exceeding 150 words in length. The Abstract has now been amended to conform with the requirements of MPEP § 608.01(b).

The Examiner has additionally objected to the Specification due to the Specification being replete with terms which are not clear, concise and exact. The Specification has now been amended to correct grammatical, idiomatic and translational errors. No new subject matter has been inserted therein.

Additionally, the Examiner has objected to Claims 1 and 2 due to several instances of informalities and has rejected Claims 1 and 2 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Claims 1 and 2 have now been amended to overcome the Examiner's specific instances of informalities and it is further believed that the newly-amended Claims 1 and 2 now satisfy the requirements of 35 U.S.C. § 112, second paragraph.

The Examiner has rejected Claims 1 and 2 under 35 U.S.C. § 103(a) as being unpatentable over the Hikasa Japanese Patent 10124250 A in view of the

Zenz Patent #5,841,425. It is the Examiner's contention that it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the window as taught by Zenz into the mouse housing disclosed by Hikasa in order to accommodate an optical driver/receiver for detecting a hand because a window allows optical signals to pass.

The Hikasa Patent is directed towards a wireless mouse. The wireless mouse utilizes a sensor 3 which detects, through capacitance changes, the contact of a user's hand. When the hand is released from sensor 3, the control means 5 ceases the supply of power from battery 6 to the encoder 1, the setting means 2, the conversion means 4 and the transmission means 7.

The mouse of the Hikasa reference requires the user to actually make contact with the sensor in order to bring the wireless mouse into a waking state. Additionally, the sensor is based on the electrostatic capacitance change on the surface of the sensor and, thus, would not be able to be operated by a user who was wearing gloves or had a prosthetic limb.

The Zenz reference is directed towards an ambidextrous computer input device. As shown in Figure 2 of the Drawings, the control circuit 34 includes a first sensor 42 and a second sensor 44, which may be optical driver/receivers using infrared or visible light. The control circuit 34 includes an electronic configuration circuit in conjunction with a sensor to automatically determine whether the user is operating the computer input device with a left hand or a right

hand and then to configure the actuators to accommodate the handedness of the user. Configuration circuit 46 receives signals from at least one of the sensors 42 and 44 and is electrically connected to the selection actuators and to the output transmitter 32. As shown in Figure 3a, sensor 44 is positioned in second location 62. When the thumb of the user's left hand is inserted into the first location 64, as illustrated in Figure 3c, sensor 42 senses the presence of the thumb. The presence of a thumb in the first location 64 indicates the user is operating the mouse with the left hand.

As described in the Zenz reference (see Column 5, Lines 61-67) the mouse system requires the user to place his or her thumb into or within the depression 62/64 in order to actuate the sensors. Thus, the user must make actual contact with the mouse surface in order to actuate the mouse's selection sub-system.

Neither the Hikasa reference nor the Zenz reference, when taken alone or in combination, teach a system wherein a user may pass his hand or some other object above the mouse in order to bring the mouse into the wakened or active state. This not only provides a greater convenience to the user but also saves processing and actuation time for the user of the system.

Additionally, the sensors 42 and 44 of the Zenz reference are used for the determination of left-handedness or right-handedness of the user and are not directed to actuation of the mouse when the mouse is in a powered-down state. It

is not believed that it would be obvious to combine the sensors of the Zenz reference with the wireless mouse of the Hikasa reference.

Thus, neither the Hikasa reference nor the Zenz reference, when taken alone or in combination, provide for: "... said sensor being triggered and connecting to said operating power supply when a user's hand is positioned above and external to the mouse ...", as is clearly provided by newly-amended independent Claim 1.

Thus, based upon the newly-amended independent Claim 1, it is not believed that the subject Application is made obvious by either the Hikasa reference or the Zenz reference, when taken alone or in combination, when independent Claim 1 is carefully reviewed.

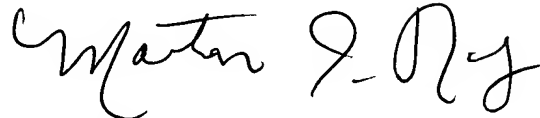
It is now believed that the remaining Claim 2 shows patentable distinction over the prior cited by the Examiner for at least the same reasons as those previously discussed for independent Claim 1.

The remaining references cited by the Examiner but not used in the rejection have been reviewed, but are believed to be further removed when patentable distinctions are taken into account than those cited by the Examiner in the rejection.

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It is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Morton J. Rosenberg". The signature is fluid and cursive, with the first name "Morton" being more prominent than the last name "Rosenberg".

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